

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARVEL CHARACTERS, INC.,

Plaintiff,

v.

LAWRENCE D. LIEBER,

Defendant.

Civil Action No. 1:21-cv-07955-LAK

MARVEL CHARACTERS, INC.,

Plaintiff,

v.

PATRICK S. DITKO,
*in his capacity as Administrator of the Estate
of Stephen J. Ditko,*

Defendant.

Civil Action No. 1:21-cv-07957-LAK

MARVEL CHARACTERS, INC.,

Plaintiff,

v.

KEITH A. DETTWILER,
*in his capacity as Executor of the Estate of
Donald L. Heck,*

Defendant.

Civil Action No. 1:21-cv-07959-LAK

**STIPULATION AND [PROPOSED] ORDER RESCHEDULING
STATUS CONFERENCE**

WHEREAS, on October 15, 2021, the Court issued an order in the above-captioned related cases, *see Marvel Characters, Inc. v. Lieber*, No. 21-cv-07955-LAK, ECF No. 24; *Marvel Characters, Inc. v. Ditko*, No. 21-cv-07957-LAK; *Marvel Characters, Inc. v. Dettwiler*, No. 21-cv-07959-LAK, ECF No. 20, directing the parties to confer regarding a scheduling order and submit an agreed-upon schedule to the Court within 14 days if such schedule called for the

**STIPULATION AND [PROPOSED] ORDER RESCHEDULING STATUS CONFERENCE
CASE NOS. 1:21-CV-07955-LAK, 1:21-CV-07957-LAK, AND 1:21-CV-07959-LAK**

filing of the pretrial order not more than six months from October 15, 2021;

WHEREAS, the Court's October 15, 2021 order stated that, if such a consent order were not filed within the time provided, a video-conference invitation would be emailed to counsel setting a video-conference for 11:20 a.m. on November 2, 2021;

WHEREAS, counsel of record in the *Lieber*, *Dettwiler*, and *Ditko* actions are identical;

WHEREAS, the *Lieber*, *Dettwiler*, and *Ditko* parties have conferred and are not able to agree on a schedule that would call for filing the pretrial order within six months of October 15, 2021;

WHEREAS, Plaintiff's counsel is not available for a remote status conference on November 2, 2021 due to a previously-scheduled court conference in a criminal matter in the Eastern District of New York;

WHEREAS, Defendants consent to the adjournment of the status conference, subject to Court approval, due to the scheduling conflict of Plaintiff's counsel;

WHEREAS, the parties have conferred and are available for the status conference on November 10, 15, 16, or 18, 2021;

WHEREAS, no prior requests to adjourn a status conference have been made;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, subject to approval by the Court, as follows:

The remote status conference to be scheduled for November 2, 2021, shall instead be scheduled for November __, 2021, at __:__ __.

Dated: October 18, 2021

Respectfully Submitted,

O'MELVENY & MYERS LLP

By: /s/ Allen W. Burton

Allen W. Burton

Daniel M. Petrocelli*

dpetrocelli@omm.com

Molly M. Lens

mlens@omm.com

Danielle Feuer*

dfeuer@omm.com

1999 Avenue of the Stars, 8th Floor

Los Angeles, California 90067

Telephone: (310) 553-6700

Facsimile: (310) 246-6779

Allen W. Burton

aburton@omm.com

Times Square Tower

7 Times Square

New York, NY 10036

Telephone: (212) 326-2000

Facsimile: (212) 326-2061

Kendall Turner*

kendallturner@omm.com

1625 I Street NW

Washington, DC 20006

Telephone: (202) 383-5300

Facsimile: (202) 383-5414

* Admitted pro hac vice in *Lieber* and
Dettwiler; pro hac vice admission pending in
Ditko

*Attorneys for Plaintiff Marvel Characters,
Inc.*

Dated: October 18, 2021

By: 

Marc Toberoff

TOBEROFF & ASSOCIATES, P.C.
mtoberoff@toberoffandassociates.com
23823 Pacific Coast Hwy, Suite 50-363
Malibu, CA 90265
Telephone: (310) 246-3333
Facsimile: (310) 246-3101

*Attorney for Defendants Lawrence D. Lieber,
Patrick S. Ditko, and Keith A. Dettwiler*

SO ORDERED:

Hon. Lewis A. Kaplan
United States District Judge

DATE: _____